

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 959 of 2004 (M/B)**

Smt. C.A. Visard W/o V.K. Visard,  
R/o Upper Chopra, Pauri,  
Presently R/o Christian Girls Hostel,  
Govindganj, Sahjahanpur, U.P. .... Petitioner

Versus

State of Uttaranchal,  
Through Secretary, Urban Development  
& others. .... Respondents

Mr. B.C. Pande, learned senior counsel on behalf of the petitioner.  
Mr. K.P. Upadhyaya, learned Brief Holder for the State.

**Coram: Hon. V.S. Sirpurkar, C.J.**  
**Hon. Irshad Hussain, J.**

**(per Hon'ble the Chief Justice)**

1. Heard learned counsel for the parties.
2. The writ petition cannot be entertained for the simple reason that this is an inter se dispute between the sister and the other brothers. The dispute is over a property left by the deceased Mr. C.A. David. Now, the question is as to whether the District Magistrate would be justified in passing the title in favour of some of the persons to the exclusion of the petitioner. The petitioner has a perfect remedy by way of a civil suit because these questions can be decided only in the Civil Court and not in this Court.
3. Hence, the writ petition is dismissed.

**(Irshad Hussain, J.)**  
**29.09.2004**

**(V.S. Sirpurkar, C.J.)**  
**29.09.2004**

**G**